

# Justice Matters

Fall 2013    Maryland Judiciary    [www.mdcourts.gov](http://www.mdcourts.gov)

Maryland  
Courts:  
Moving Forward



**WELCOME** to the fall issue of *Justice Matters*. The focus of this edition is **Maryland Courts: Moving Forward**, and it features information about the Judiciary's new leadership, as well as a number of Judiciary programs, initiatives, and efforts created to provide fair, equitable, and timely administration of justice in Maryland. We invite you to visit *Justice Matters Online* on the Judiciary's website, [www.mdcourts.gov](http://www.mdcourts.gov). The online edition contains more articles, expanded versions of print edition articles, multimedia features, and other links. As always, we invite your feedback on how to make *Justice Matters* and *Justice Matters Online* more useful and user-friendly. Send your questions and comments to [communications@mdcourts.gov](mailto:communications@mdcourts.gov).

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# Maryland Judiciary Welcomes New Chief Judge

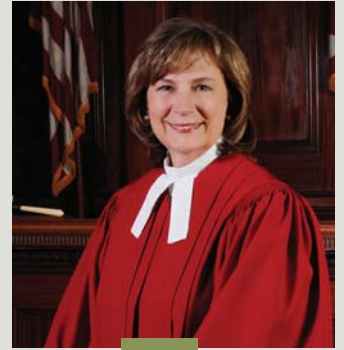
On July 3, 2013, Governor Martin O'Malley named Judge Mary Ellen Barbera as chief judge of the Maryland Court of Appeals.

Before being named to head the state's judicial branch, Judge Barbera served on the Court of Special Appeals as an at-large judge from 2002-2008 and, since 2008, has represented the Seventh Appellate Judicial Circuit (Montgomery County) on the Court of Appeals. She succeeded Judge Robert M. Bell, who retired in July after serving as chief judge since 1996.

"I am greatly honored by this appointment, and I eagerly embrace the challenges and responsibilities presented by my new office," Judge Barbera said.

As chief judge, Judge Barbera presides over the Court of Appeals' oral arguments, and assigns and writes opinions. In addition, Judge Barbera oversees a budget of \$468 million and is responsible for the administration of the judiciary, with nearly 300 judges and approximately 4,000 employees who support the work of Maryland's courts.

Judge Barbera is the 24th chief judge of the Court of Appeals and the first woman to serve as Maryland's chief judge. The Court of Appeals was formally established by the Maryland Constitution in 1776, but its history as a Colonial court stretches back more than 350 years to the mid-17th century.



## An Interview with Chief Judge Mary Ellen Barbera

*This is an excerpt of an interview from The Maryland Litigator, September 2013, published by the Litigation Section of the Maryland State Bar Association. It is reprinted with the permission of the Litigation Section, which is chaired by Court of Appeals Judge Glenn T. Harrell.*

By Court of Special Appeals Judge Kathryn Grill Graeff

**Q. What are your priorities as you begin your tenure as chief judge? What are some of your goals?**

**A.** In publicly thanking Governor O'Malley on the day he announced his selection of me as chief judge, I promised him and everyone present that I am committed to doing whatever it takes to facilitate and bring to the people of Maryland fair, equitable, and timely administration of justice. That includes expeditious decision-making at all levels of our court system, without sacrificing sound decision-making.

I also want to provide our judges with the tools they need to do their job well. Some of those tools are concrete, such as providing the technological support judges need to make wise rulings, expeditiously. Other tools are less concrete, and include, for example, providing high-quality continuing

professional education for our judges and the many fine employees who support the work we do.

It is important to a robust judiciary that everyone working in it, the judges and those who in a host of ways help them, be given what they need to get the job done.

**Q. What aspects of your new role are you looking forward to the most?**

**A.** I'm beginning to see there are many and varied administrative challenges, all of them, though, exciting to undertake. I will be looking for opportunities to make our already fine state judiciary even stronger and better.

Right now, I am focusing on learning how we operate and determining how we might improve our

# An Interview with Chief Judge Barbera, continued

operation. We have 300-plus incumbent judges, a large number of retired/recalled judges, nearly 4,000 other employees, and an operating budget of about \$469 million. I am taking great pleasure in visiting courthouses around the state and meeting the many fine people who make the system work.



I look forward to working productively with the executive and legislative branches of our state government, as we share the common goal of improving the lives of all Marylanders. I also am eager to work with our law schools and our other partners in the legal community — bar associations, law firms, government agencies, and the like — to enhance the delivery of justice to everyone.

I will have many opportunities to meet members of our statewide community. I hope to capitalize on those opportunities to illuminate what judges and lawyers do and how our work, which honors the rule of law, benefits all of us.

And, of course, I will continue to love the work of the Court of Appeals. To the last, my colleagues are hardworking and dedicated judges, and terrific women and men. I believe I speak for all of us in saying that we are fortunate indeed to have the great privilege of serving the people of Maryland by interpreting the law, through the decisions we make in the cases that come before us. There is, quite simply, no better job in the law.

## **Q. What inspired you to pursue a legal career?**

**A.** I wanted to be, and eventually became, an elementary school teacher. I did not even consider the law as a profession until my mid-20s. At that time I was married with two children, and I was teaching

in the Baltimore City Public School System. I was witness to the early stages of the law career of my then-brother-in-law, and I also met other lawyers. The work they did seemed to me to be rewarding and professionally challenging. Within a short time, I decided to try law school. I attended at night, while continuing to teach, and, upon graduation, was fortunate to have a series of wonderful professional opportunities in the law.

## **Q. How did your experience in the Baltimore City Public School System impact your career?**

**A.** I taught in a federally funded program run through some of the public schools in the city for preschool-age children. Working with the children and their parents gave me the opportunity to witness first-hand, the economic and societal stresses confronting those families. Those young parents, some only teenagers, had the same hopes and dreams for their children as I had for mine. I was struck by the many hurdles those parents faced, most not of their own making, that blocked their efforts to make a better life for themselves and their children.

The lessons learned from those years as a school teacher have not left me. I have been a public servant, in one form or another, ever since. Even now, that early life experience continues — along with many other factors, of course — to inform how I think about the law and its impact on the lives of everyone, not just the litigants immediately before the court.

## **Q. How has your experience in the Maryland Office of the Attorney General and working as chief legal counsel for Gov. Glendening helped you get to the point where you are now?**

**A.** Every professional experience provides new opportunities for growth.

In the Attorney General's Office, I worked with so many fine attorneys and for two great Attorneys





General. It was particularly rewarding to have the chance to be involved in addressing some crucial issues facing Marylanders, and I learned much about the law.

In Gov. Glendening's office, I learned much, from the inside, about how law is made and public policy is developed. I witnessed the inter-relationship among

the three branches of government, and I learned that there can be productive outcomes when there is cooperation among the three branches, with full recognition and adherence to, of course, the principle of separation of powers.

My prior jobs have combined, I hope, to prepare me for the job I have now undertaken.

## Judge Shirley M. Watts Joins Court of Appeals

On July 3, 2013, Gov. Martin O'Malley appointed Judge Shirley M. Watts to the Court of Appeals. Judge Watts represents the Sixth Appellate Judicial Circuit (Baltimore City).

Judge Watts had served on the Court of Special Appeals since 2011 and on the Circuit Court for Baltimore City from 2002 to 2011. She has the seat on the bench that was held by Judge Robert M. Bell, who retired in July after serving on the Court of Appeals since 1991 and as chief judge since 1996.

After graduating cum laude from Howard University, Judge Watts received a J.D. from Rutgers University School of Law in 1983. She began her legal career practicing criminal law and spent four years as an assistant state's attorney for Baltimore City. Judge Watts then served nine years in the Office of the Federal Public Defender for the District of Maryland, where she represented indigent criminal defendants and served as supervisory assistant public defender for four years. In 1997, Judge Watts accepted an appointment as a federal administrative law judge. She served as chief administrative law judge for the Office of Hearings and Appeals in Maryland from 1999-2002, when she was appointed to the Circuit Court.

Judge Watts is a member of the Baltimore City and Monumental City bar associations, as well as the Alliance of Black Women Attorneys and the National Association of Women Judges. For several years, Judge Watts was an adjunct professor at the Catholic University of America, Columbus School of Law, where she taught trial practice. She was awarded *The Daily Record's* Leadership in Law award in 2011, and has been active for many years with Jack and Jill of America, Inc.



# Governor's Appointments Make History

This summer, when Gov. Martin O'Malley named Judge Shirley A. Watts to the Court of Appeals and Judge Mary Ellen Barbera as the next chief judge, he noted the historical significance of the appointments. "Together, these decisions give the Maryland Court of Appeals its first ever female majority, first female chief judge, and first African-American female judge," the governor's news release stated.



Standing, left to right: Judge Robert N. McDonald; Judge Clayton Greene Jr., Judge Sally D. Adkins; Judge Shirley M. Watts. Seated, left to right: Judge Glenn T. Harrell Jr., Chief Judge Mary Ellen Barbera, Judge Lynne A. Battaglia

"Judge Barbera and Judge Watts represent the best of the Maryland bar and will do an outstanding job serving on the highest court in Maryland. Throughout their judicial careers, they have exhibited integrity, intelligence, and compassion," O'Malley said. "I am honored that we are not only making history today with these appointments, but that the hard work, talents and skills of these women will help us build on the progress we're making together for the people of Maryland."

Judge Barbera offered her perspective on the significance of the appointments: "Milestones remind us that the Maryland

Judiciary has come a long way, and I know that together we can and will go further. Our goal is to achieve equal, fair, and timely access to justice here in Maryland. We are all part of that mission and we're all working together to move forward and fulfill that mission."

## Historical side note

While the governor's appointments create the first female-majority Court of Appeals bench, the first time a majority of women judges heard a case was actually five years earlier. On Sept. 8, 2008, when the court heard case No. 1, Judge Lynne A. Battaglia noted, "for the first time in Maryland's history, we have the majority of women seated here today on this court." Judge Battaglia, retired Judge Irma S. Raker, Judge Sally D. Adkins, and Judge Barbera joined Judge Glenn T. Harrell Jr., Judge Clayton Greene Jr., and retired Judge John C. Eldridge for the case. To see the webcast of case No. 1, September 2008 term, go to [www.mdcourts.gov/coappeals/webcasts/webcastarchive2008term.html#september2008](http://www.mdcourts.gov/coappeals/webcasts/webcastarchive2008term.html#september2008).

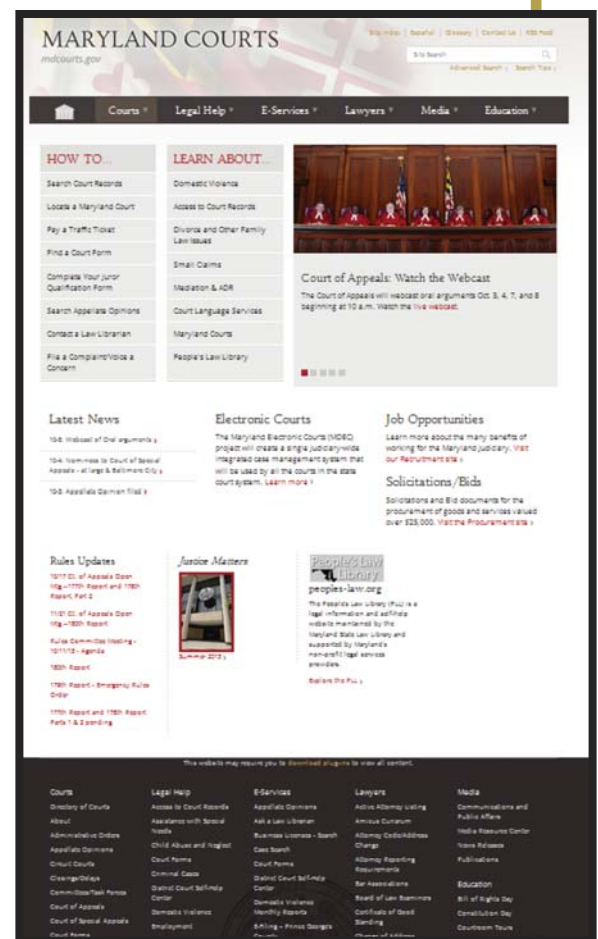


# Judiciary's New Website Created for Customers

The Judiciary's newly designed website launched in July 2013, and it has been a big "hit" with visitors. To better serve the needs of our customers, the information on the website was reorganized so it is easier to navigate and is more user-friendly. This ensures that even visitors not familiar with the inner workings of the courts can understand and find what they need on the site.

Extensive research and usability testing went into the creation of the new design with the goal of providing easy access to information through simple, intuitive navigation. The latest updates include:

- A better design and user-friendly functions, such as listing the website menu at the bottom of every page to provide another way to locate information quickly;
- A prominent revolving window that displays recent news, videos, and important information;
- Sections titled "How do I" and "Learn About" that include quick links to the most sought-after information;
- An extensive "Legal Help" section where the public can get information about how the courts work and find free or low-cost legal help;
- A format that lets people use the website on a variety of devices, including phones and tablets.



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# Teleconferencing:

By Court Operations Executive Director Diane Pawlowicz and  
Judicial Informations Systems Executive Director Mark Bittner

Picture a judge in a courtroom, talking with a defendant who is miles away in a detention center or correctional facility. The judge and others in the courtroom can see the detainee on a television monitor. The detainee can see the judge on a monitor at the detention facility. The cameras can pan to other portions of the room, and zoom in as needed. The judge and detainee can hear each other clearly. During this exchange, a judge may review a bail bond, decide to release the individual who was brought in on a bench warrant, conduct an arraignment, or hear an inmate grievance appeal.

Teleconferencing technology is not exactly new: Bail review hearings have been conducted by video teleconferencing in Maryland's District Courts and some Circuit Courts for at least 15 years. As technology changes and improves, the Judiciary has been studying new programs to replace older equipment where needed, and to expand the use of teleconferencing for other types of hearings where feasible.

Over the past three years, Judicial Information Systems (JIS) has been working with Maryland courts to conduct several pilot programs to determine if various types of hearings can be conducted fairly by teleconference, and whether the new equipment works as expected. The following pilot projects were begun in accordance with an administrative order issued by the chief judge of the Court of Appeals in 2009:

## **Inmate Grievance Appeal Hearings (November 2010)**

- Western Correctional Institution (WCI) in Allegany County
- Jessup Correctional Institution (JCI) in Anne Arundel County
- Eastern Correctional Institution (ECI) in Somerset County

## **Ex parte Temporary Protective Order Hearings (December 2010)**

- Family Justice Center, Montgomery County

## **Consults with Children in Need of Assistance (CINA) (March 2011)**

- Baltimore City Circuit Court

## **Bail Review Hearings (May-August 2013)**

- Cecil County Circuit and District Courts
- Kent County Circuit and District Courts
- Queen Anne's County Circuit and District Courts
- Baltimore City Circuit and District Courts

## **Bench Warrant and Arraignment Hearings (June 2013)**

- Baltimore County Circuit Court

## **Bench Warrant and Body Attachment Hearings (June 2013)**

- Montgomery County Circuit Court

Teleconferencing cannot and should not replace court appearances for many types of hearings. It does, however, offer some distinct advantages for those hearings that occur early in a case, and for which there is minimal requirement for attorney/client discussion during the hearing. These advantages include enhanced safety, reduced costs, and improved efficiency.

**Enhanced Safety:** One of the most often cited reasons to conduct certain hearings by teleconference is enhanced safety.

For detention and correctional facility staff, opportunities for attempted escape or other disturbances while in transport or at the courthouse are eliminated. Court staff, judges, and the public



# Making Court Hearings Safer, More Efficient

are also safer since detainees are not moved in and out of holding cells at the court, escorted through public hallways and appearing in the courtroom with other detainees. Defendants, too, may be safer, since it is easier to keep co-defendants and gang members separated in a detention facility than at the courthouse.

Petitioners for protective orders at the Circuit and District Courts in Montgomery County, Rockville location, may benefit from reduced security risks for ex parte temporary protective order hearings conducted via video conference because they do not have to travel between the courts and the advocates located at the Family Justice Center.

**Reduced Costs:** Detention centers and correctional facilities probably benefit the most in terms of reduced costs. They save on the cost of gasoline, a possible reduction in the number of vans that need to be purchased and maintained, and reduction in the number of security personnel needed to transport detainees.

Courts gain in terms of facility maintenance and space. Fewer defendants and detention center personnel in the courthouse means less wear and tear on the facility. There are a reduced number of defendants in the lock-up areas, and smaller courtrooms can be used, thus freeing up larger courtrooms for other dockets. In addition, fewer sheriffs are needed for security in the courtroom.

**Efficiency:** Another significant benefit of video conferencing is the efficiencies gained by the courts, the detention centers, attorneys, and detainees/petitioners. Video conference hearings are generally scheduled at a set time during the day, but can also be heard on an “as needed” basis since the equipment can be set up quickly. “The convenience factor is huge,” one judge stated.

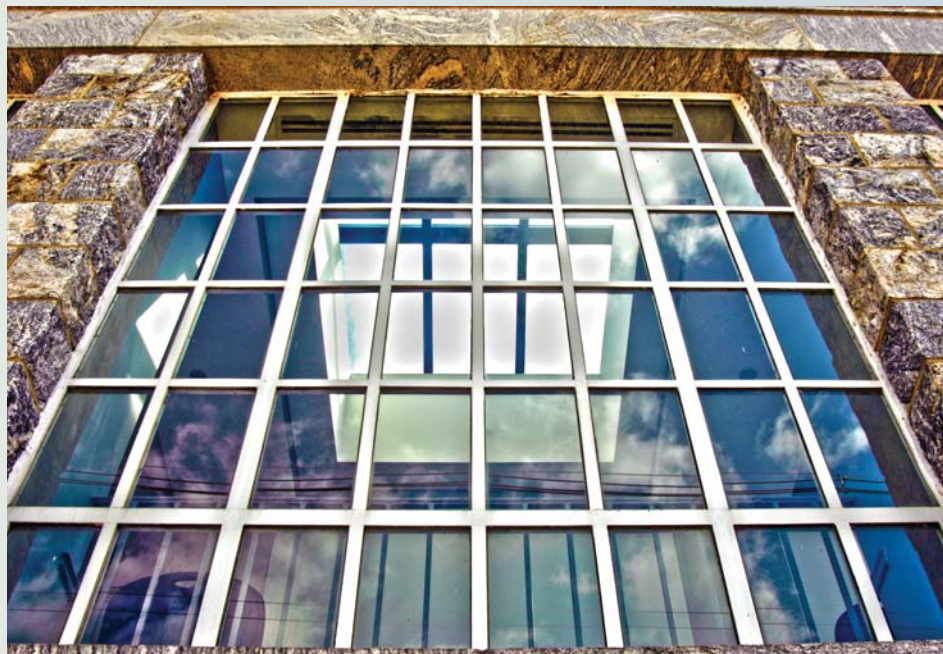
When detainees are transported, there is the possibility of delays due to traffic problems. With video conferencing, the docket can begin on time. A public defender said, “We have certainty and predictability, and that leads to efficiency overall.”

## Equipment

The new equipment has been given high marks in terms of audio and video quality, and reliability. The new technology makes connecting to the remote sites much easier, and connections are noted to be much more reliable and trouble-free.

## Next Steps

Chief Judge Barbera will review the current teleconference pilot programs to determine whether the pilots should be expanded to other jurisdictions and possibly other case types. The Standing Committee on Rules and Procedures will make necessary revisions to rules to implement videoconferencing. Watch for news in future issues of *Justice Matters*.



# NEW ADMINISTRATIVE

Maryland Court of Appeals Chief Judge Mary Ellen Barbera has named several new administrative judges to oversee the administration of the courts, budget and procurement functions, and trial calendars to ensure the expeditious disposition of cases.

## Judge Kathleen Gallogly Cox, Third Judicial Circuit

Baltimore County Circuit Judge Kathleen Gallogly Cox is the new administrative judge for the Third Judicial Circuit (Baltimore and Harford counties);

Judge Cox succeeds Judge John Grason Turnbull II, who retired in August. Judge Turnbull was appointed to the Circuit Court in June 1986, and had served as circuit administrative judge since 2001. Judge Cox has been on the Baltimore County Circuit Court bench since February 1999, and has served as judge-in-charge for juvenile court since 2001.

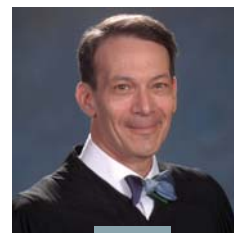


Judge Cox was a law clerk to Judge James R. Miller Jr., U.S. District Court, District of Maryland, from 1979-1981, then assistant federal public defender for the District of Maryland from 1982-1985. Before joining the bench, Judge Cox was in private practice and was a partner in Venable, Baetjer and Howard, LLP, from 1989-1999.

## Judge W. Michel Pierson, Eighth Judicial Circuit

Baltimore City Circuit Judge W. Michel Pierson has been named administrative judge for the Eighth Judicial Circuit (Baltimore City).

Judge Pierson succeeds Judge Marcella A. Holland, who retires Nov. 30 after serving as a judge for the Circuit Court for Baltimore City since 1997 and circuit administrative judge since 2003. Judge Pierson was appointed to the Circuit Court for Baltimore City in 2004, and has been judge-in-charge of the civil docket since 2009, and a judge in the court's Business and Technology Program since 2008.



Judge Pierson was a law clerk to Judge C. Stanley Blair, U.S. District Court, District of Maryland, from 1973-1974. Before being appointed to the Circuit Court for Baltimore City, Judge Pierson was in private practice beginning in 1974, and was a partner in the law firm Pierson and Pierson from 1978-2003. The emphasis of his practice was civil and criminal litigation, including trials and appeals in federal and state courts.

## Judge Paul A. Hackner, Fifth Judicial Circuit

Anne Arundel County Circuit Judge Paul A. Hackner has been named the new administrative judge for the Fifth Judicial Circuit (Anne Arundel, Carroll, and Howard counties). Judge Hackner will also serve as the Anne Arundel County Circuit Court administrative judge.

Judge Hackner will replace Judge Nancy L. Davis-Loomis when she retires Jan. 1, 2014. Judge Davis-Loomis has been on the bench since 1996. She served as judge for the Anne



# JUDGES NAMED

Arundel District Court from July 1996 to August 2000, when she was appointed to the Anne Arundel County Circuit Court. She has served as county administrative judge since May 2007, and became circuit administrative judge in November 2011.

Judge Hackner has been a judge for the Anne Arundel County Circuit Court since June 2002, joining that court after five years as a judge for the county's District Court. He serves as a criminal case management judge and has been designated as one of the business/technology judges for Anne Arundel County. Judge Hackner has served as a member of the Judiciary's Interpreter and Translations Committee and has been specially assigned to hear cases in the Maryland Court of Special Appeals.

Before becoming a judge, he practiced law in Prince George's and Anne Arundel counties for 22 years, concentrating on complex civil litigation. He served in the State's Attorney's Office from 1976-1977 and in the Office of the Public Defender from 1985-1987.

## Judge Barbara Baer Waxman, District 1

Baltimore City District Judge Barbara Baer Waxman is the new administrative judge for District 1, Baltimore City. Judge Waxman replaces Judge John R. Hargrove Jr., who is heading the new Judiciary Task Force on Pretrial Confinement.

Judge Waxman was appointed to the District Court in 1991. She served on various judicial committees, including the Bail System Task Force and the Mental Health, Alcoholism and Addiction Committee, and chaired the Criminal and Civil Law committees, Criminal Law and Motor Vehicle Committee, and Domestic Violence Coordinating Council. Judge Waxman has served on the Administrative Judges Committee since 1997.

Before she was appointed to the bench, Judge Waxman was assistant state's attorney for Baltimore City from 1981-1986, and chief of the District Court Division for the Baltimore City State's Attorney's Office from 1986-1991.



## More online

For more information, go to the Judiciary website to see *Justice Matters Online*: [www.mdcourts.gov](http://www.mdcourts.gov).



# COURT OF APPEALS: New Policy Promotes Timely Decisions

The members of the Court of Appeals have unanimously adopted a new policy: All cases the Court of Appeals hears during a term will be decided during that same term. The policy began with the start of the current term, which runs Sept. 1, 2013-Aug. 31, 2014. The Court of Appeals hears cases from September through June.

This new policy of deciding cases in the term year in which they are heard follows the example of the U.S. Supreme Court, and is part of an overall Judiciary goal to provide timely adjudication.

## Pam Harris Named State Court Administrator

Maryland Court of Appeals Chief Judge Mary Ellen Barbera named Pamela Harris State Court Administrator, effective August 5, 2013. Harris, who has served since 1989 as court administrator for the Montgomery County Circuit Court, succeeds Frank Broccolina, who announced his retirement after more than 35 years of service to the Maryland Judiciary, including 13 years as state court administrator.

“Pam has more than 25 years of leadership experience at the Judiciary and has distinguished herself as a skilled and thoughtful administrator,” said Chief Judge Mary Ellen Barbera. “I am proud to elevate her to a statewide role, where she will be able to ensure the effective administration of the court system in all jurisdictions for the benefit of the people of Maryland.”

The state court administrator provides oversight and strategic planning, direction and monitoring of court administrative activities for all state courts. The position is responsible for Human Resources, Facilities Administration, Budget and Finance, Procurement and Contracts Administration, Legal Affairs, Family Administration, Office of Problem-Solving Courts, Access to Justice Commission, Program Services Unit and Judicial Information Systems. The state court administrator also serves as the principal policy advisor to the chief judge.

“Pam has become well-known on the national stage as a leader in court administration,” said Judge John Debelius, who serves on the Montgomery

County Circuit Court and is the administrative judge for the Sixth Judicial Circuit (Frederick and Montgomery counties). Harris is on the board of the National Center for State Courts and has

just completed a one-year term as president of the National Association for Court Management. “Pam is an outstanding choice to take on the statewide task of courts management,” Judge Debelius added.

Harris says she is “greatly honored” to be chosen. “I am very thankful for Chief Judge Barbera’s confidence in me,” she said. “I remain committed to infusing evaluation-based practices into every aspect of court administration to achieve the best results for court staff and court users statewide.”

Upon her appointment in 1989, Harris was the first female administrator for the Montgomery County Circuit Court and is the first woman to serve in her newly appointed role as state court administrator.

Harris is a member of the Maryland Judiciary’s Standing Committee on Rules of Practice and Procedure and recently became a Public Policy Conflict Resolution Fellow through the University of Maryland Francis King Carey School of Law and the Maryland Judiciary’s Mediation and Conflict Resolution Office. She is a member of the Maryland Conference of Circuit Court Judges; Maryland Technology Oversight Board; and Maryland Integrated Statewide Case Management Committee.





# Greg Hilton Named Clerk of Court of Special Appeals

Philip Gregory (Greg) Hilton was named Clerk of the Court of Special Appeals in August 2013. Hilton has been with the Court of Special Appeals since 2009. He was appointed Assistant Chief Deputy Clerk of the Court of Special Appeals in October 2009 and was promoted to Chief Deputy Clerk in July 2011. He succeeds Leslie Gradet, who retired July 31 after 25 years as Clerk.

As head of the Clerk's Office for the state's second highest court, Hilton manages staff, operations and business processes, oversees the court docket, and leads the implementation of MDEC (Maryland Electronic Courts) in the Court of Special Appeals. He also advises the Court of Special Appeals' Chief Judge Peter B. Krauser and the court on the implementation of policy.

Hilton has 26 years of active and reserve United States Navy service, and continues to serve as a captain with the Navy Reserve. He was most recently on active duty in Afghanistan from November 2007-December 2008. Before his mobilization, Hilton had been an attorney in private practice. A 1995 graduate of the Columbus School of Law, Catholic University of America, Washington, D.C., Hilton clerked for Judge C. Philip Nichols Jr., in the Prince George's County Circuit Court from 1995-1996. He received a master's degree in national security studies from the United States Navy War College in 2011.



*"Greg has been an outstanding Deputy Clerk. He brings to his new position superb administrative skills, a tireless work ethic, and an unflagging commitment to public service. We are very pleased that he is willing to serve as the Clerk of our Court."*

Chief Judge Peter B. Krauser



## Maryland Court Professionals Take Part in MID-ATLANTIC CONFERENCE

As part of an effort to provide opportunities for continuing education, training and professional development, 44 members of the Judiciary took part in the 2013 Mid-Atlantic Association for Court Management's (MAACM) Annual Conference Sept. 29-Oct. 2. Court professionals from Maryland, Delaware, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and Washington, D.C. gathered in Atlantic City, N.J., to share best practices and knowledge with their colleagues who are facing similar issues and challenges.

Conference topics included fundamentals of court management, community courts, access and

fairness initiatives, transformational leadership, and information technology management. "The conference provided a great opportunity to speak frankly and share information," said Dave Seeman, chief of Technical Services for Montgomery County Circuit Court and vice president of MAACM. "One of the benefits of taking part in this amazing opportunity was the chance to network with and learn from other court professionals who have comparable responsibilities in jurisdictions throughout the Mid-Atlantic. We enhanced our professional skills and learned new trends in court management."



# Judiciary Creates Task Force to Study Pretrial Confinement and Release

In light of the Court of Appeals' recent decision in *DeWolfe vs. Richmond*, the Judiciary has created a task force to study pretrial detention processes. Judge John R. Hargrove Jr. will head the new Judiciary Task Force on Pretrial Confinement.

Judge Hargrove was appointed to chair the task force Sept. 27 by District Court of Maryland Chief Judge Ben C. Clyburn. The new task force will study the pretrial detention processes, including the recommendations and rules changes for the implementation of the *DeWolfe vs. Richmond* decision. Judge Hargrove will continue to preside over cases for the District Court of Maryland, Baltimore City, as he assumes this new leadership role.

"Judge Hargrove's experience as an administrative judge, trial judge and commissioner makes him uniquely qualified to head the new Pretrial Task Force," said Chief Judge Clyburn. "He has presided over the successful implementation of the Early Resolution Court, which is designed for the early disposal of cases involving minor offenses."

"I am delighted about the opportunity to serve in this capacity," Judge Hargrove said. "This is a timely issue that all respective branches of government are examining, and to assume a leadership role at this time is exciting."

## More online

The Justice Matters Online article includes a link to the *DeWolfe vs. Richmond* decision: [www.mdcourts.gov](http://www.mdcourts.gov).





# Anne Arundel County Prepares for MDEC Pilot Program

By Judicial Information Systems Executive Director Mark Bittner

Preparations for the planned 2014 pilot of Maryland Electronic Courts (MDEC) in Anne Arundel County are in full swing. Key activities include:

- **Software preparation** — The MDEC software vendor, Tyler Technologies, and Judicial Information Systems (JIS) are working to adapt Tyler's core case management software to the specific needs of Maryland, and to modify related existing systems to integrate with Tyler's system. This integration is needed because both old and new systems will need to function for several years as MDEC is launched systematically statewide. JIS has also begun detailed planning for exchanging data with state and local justice partners.
- **Data conversion** — As MDEC is rolled out to each jurisdiction, the data currently housed in the old ("legacy") systems for that jurisdiction will be moved to the MDEC system. This does not include the paper documents of past cases, but will include the docket entries and information captured currently in the systems. The conversion of this existing data into the MDEC system involves identifying and standardizing codes that are currently represented in different ways for different systems. It also means developing a standardized naming system and the appropriate placement of data within the MDEC system to properly represent the history of the case. Data conversion is a time-consuming and repetitive process that requires a great deal of review and refinement.
- **System configuration** — Most modern business systems, MDEC included, are built with a degree of adaptability for variations in business processes between customers or units using the system. The method by which you tell the system how to operate is called "configuration." In the case of MDEC, 92 business processes have been identified that need to be configured to operate effectively for both the District Court and the Circuit Courts. This activity is underway and involves a great deal of analysis, discussion, and decision-making.
- **Courthouse preparation** — Moving to an electronic operation will involve installing additional equipment in the courtrooms, particularly monitors, and providing wireless communication within specified areas in the courthouse. An assessment of the courthouses in Anne Arundel County has recently been completed, and a determination of physical modifications is underway. Installation will be scheduled to minimize the impact on court schedules in the coming months.

When all these activities converge in early 2014, comprehensive testing of the MDEC system will take place. Concurrent with that will be the development of orientation and training materials for everyone affected by MDEC. The project will then be in a position to determine the final schedule for the introduction and implementation of the pilot in Anne Arundel County.

## MDEC update

# Updated, Cost-effective Jury Management System Available

By Court Operations Executive Director Diane Pawlowicz

A centralized jury management system that is being used by 14 jurisdictions in Maryland is now available to other courts in the state system. Based on requests from several jurisdictions wishing to upgrade their jury management systems, State Court Administrator Pamela Harris has announced that other jurisdictions can now take advantage of the cost savings inherent in the centralized system.

In September 2010, the Circuit Court for Cecil County switched to a new jury management system called Jury Plus, by Jury Systems, Inc. The system was subsequently installed in an additional 13 jurisdictions, including Caroline, Kent, Queen Anne's, Talbot, Somerset, Dorchester, Wicomico, Worcester, St. Mary's, Charles, Washington, and Allegany counties, and finally, Baltimore City, where jurors started using the new system in April 2012. The system replaced legacy systems that had been supported by Judicial Information Systems (JIS), and allowed courts to better manage juries through technology.

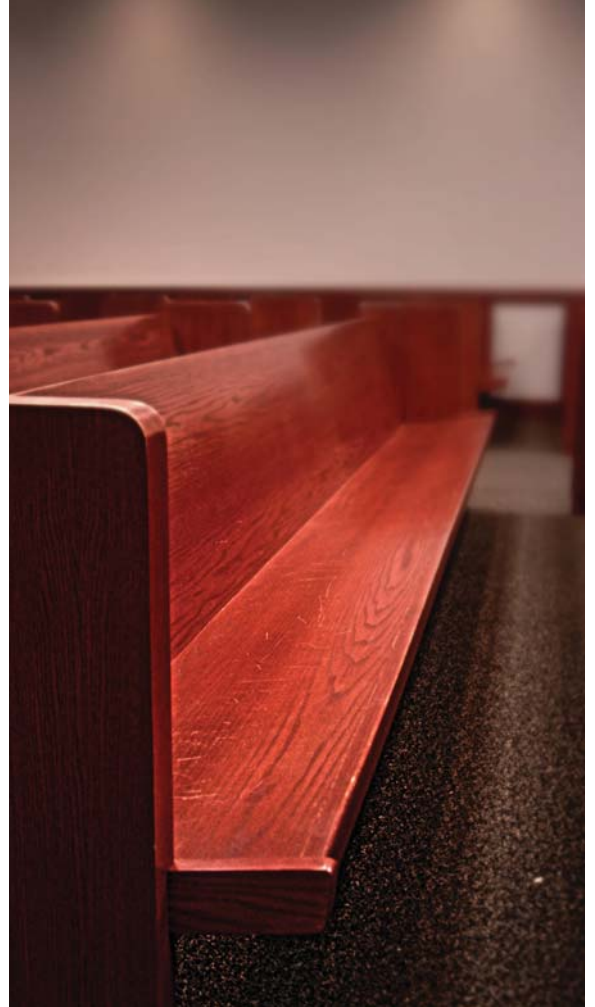
The system is centralized, which means the jury database is housed on a central server at JIS. A centralized system is easier to manage and support. For instance, a new release of software is installed once, instead of separately on many servers throughout the state.

The database is compartmentalized, meaning a jury commissioner from one county does not have access to information about jurors in another county. The database is updated real-time, either from information entered by court staff, or from a potential juror filling out a qualification form online.

The system has proven to be convenient for potential jurors and cost-effective and time-saving for courts.

By offering the solution to multiple jurisdictions, there are substantial cost savings for licenses and other services compared to county-by-county installations.

For more information, call Diane Pawlowicz, 410-757-4416.



## FEATURES INCLUDE:

- A Web-based questionnaire that jurors can complete and submit online to determine their qualification to serve
- An online option for jurors to request a one-time postponement
- A one-step combination qualification/summons, which saves postage and staff time



# Maryland ASTAR Judges Visit Calvert Cliffs



Several Maryland judges visited Calvert Cliffs Nuclear Power Plant in Lusby recently as part of the ASTAR (Advanced Science and Technology Adjudication Resource) program. ASTAR provides a high-level scientific, technological, and medical curriculum to trial court judges to better equip them to understand and preside over cases that involve such issues.

By Court of Appeals Judge Glenn T. Harrell

Over Sept. 27-30, 2012, a number of Maryland's ASTAR judges (and Dr. Lisa Gangi of the Judicial Institute) attended a three-day program in Albuquerque, New Mexico, titled "Ionizing Radiation and Environmental Calamities." Taught by scientists and lawyers from the Los Alamos National Laboratory and Sandia National Laboratories, as well as distinguished New Mexico judges and nationally-recognized legal academics (and organized by the New Mexico Office of the Courts), the course addressed the theory and realities of nuclear power and such nuclear disasters (and resultant liability issues) as Fukushima, Japan; Goiania, Brazil; Chernobyl, Russia; and Three Mile Island, U.S.A.

Following up on this experience, several of the Maryland ASTAR attendees took an excursion Aug. 9, 2013, to the Calvert Cliffs Nuclear Power Plant in Lusby to observe how a local nuclear power

generating plant puts into practice the engineering, safety, and security principles learned at the New Mexico program. We met a host of nuclear professionals who shared with us the history of the Calvert Cliffs plant, its regulatory status, its operational capabilities and characteristics, and how the on-site workers are protected as they go about their work days.

Although it was a hot and humid day for the walking tour of the plant, we forgot about that travail upon entering the turbine building where the temperature was almost 120 degrees and the noise level rivaled a Guns N' Roses concert. The group photo shows Dr. Gangi and the judges at Calvert Cliffs — Harrell, Debelius, Solt, Caroom, Silkworth, Wallace, Sherbin, Murdock, and Ross.



# New Rules Help Protect Private Information in Court Documents

Under a rule that went into effect July 2013, people who file documents about civil actions in Maryland courts cannot include unnecessary private information, like Social Security numbers or other identification numbers.

Rule 1-322.1 went into effect July 1, and was amended the next day. The key points of the rule and amendments include the following:

- Attorneys and anyone else filing pleadings and other papers in a judicial action must keep unnecessary personal information out of court records unless there is a legal obligation to include that information. This includes Social Security numbers, taxpayer identification numbers, or financial or medical account identity numbers or codes.
- The rule does **not** include birthdates as personal information that filers must keep out of court filings by redacting (editing out) or other preventive action.
- This new rule applies to “pleadings and other papers filed in an action,” that is, papers filed in a case that is in litigation. The rule does not apply to land records, other notice records as defined in Rule 16-1001(i), administrative records, or business license records.
- The rule does not apply to filings that are made by a judge or a judicial appointee.

The new procedures must be followed for documents filed as part of litigation on or after July 9, 2013.

Rule 1-322.1 complements an existing Maryland law, Real Property Article Section 3-111(b), which protects Social Security numbers and driver’s license numbers from being displayed in documents that can be seen on the Internet. In a few years, the Judiciary will switch to a statewide online case

management system, referred to as Maryland Electronic Courts (MDEC), to collect, store and process records electronically. The new system will ultimately become “paper-on-demand,” that is, paper records will be available when specifically requested.

As the Judiciary moves forward with new technologies to increase efficiency and improve access, the rules that help protect private information and comply with Maryland’s laws are continually being reassessed.

Under another existing Maryland rule, people must notify the court clerk if there is confidential information included in any documents they file. This means a written notification that specifically tells the court clerk what information in the document is confidential.

“There are serious consequences if the new Rule 1-322.1 is not followed: The document may be stricken from the court record, so it is important that people read the rule and the formal notice for more information,” said retired Court of Appeals Judge Alan M. Wilner, chair of the Judiciary’s Rules Committee.

## More online

For links to the rule, amendments, and formal notice, go to *Justice Matters Online* on the Judiciary’s website, [www.mdcourts.gov](http://www.mdcourts.gov).





# Looking at Jury Service from the Other Side of the Bench

Judge  
and  
Jury

By Prince George's County Circuit Judge C. Philip Nichols Jr.

*(Many judges have been called to serve on juries in the state of Maryland. The following is an excerpt from Judge C. Philip Nichols Jr.'s commentary that appeared in the Baltimore Sun in August 2013, in which he describes his personal experience serving as a juror in Prince George's County.)*

This is a report from juror No. 26. I was recently summoned to jury service for the first time in my life. While I have presided over 518 jury trials, this was my first time on the other side of the bench.

They start early — 7:30 a.m. There is a lot of hurry up and wait. Those who are veterans understand clearly what that means.

**Qualifications:** You have to be qualified to be a juror in our state. For example, you have to be a U.S. citizen and resident of the county and state. English language proficiency is required. You may not be convicted of a crime punishable by six months or more of incarceration and not pardoned. You may not have any criminal charges pending against you. If you have a physical disability, a health care provider may provide a certificate attesting to your disability.

**Excuses:** There aren't many. If you served on jury duty in the last three years, you can be excused but you have to request it. The next reason is a little less clear: jury service would be "an extreme inconvenience or cause undue hardship." You need to supplement this reason with documentation. Since we made Gov. Glendening show up for jury duty when he was summoned years ago, there is no way out. In 2006, Gov. O'Malley made the same trip to the Baltimore City courthouse.

**Generous jurors:** The most moving part of the morning was the Generous Juror Program. Many counties in our state have such a program. We allow our jurors to pool their jury stipend (\$15) and leave it for the benefit of our foster children. In our county we put two children a day on average into foster care. The comforts we provide our own children sometimes elude foster children. The funds collected go for Scout uniforms, athletic gear, computers and the like. Our jurors in Prince George's County are very generous by any measure. We have collected hundreds of thousands of dollars since we started in 2001.

**The trial:** I did, in fact, make it into the jury box. I was the 12th juror picked in a manslaughter case. Yet after what seemed like a never-ending discussion, I was excused. Even though I had begun to bond with Juror No. 27, he had to go on without me as he took my place in the box.

I made some new friends and gained a whole new perspective on the jury system. While it was a duty, it was not all that onerous. I recommend it.



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This issue features photos from Maryland's courts. The photos for the cover and pages 9, 10, 11, 14, 16, and 18 are of Howard County Circuit Court and District Court. Page 19 shows Prince Georges' County Circuit Court.